

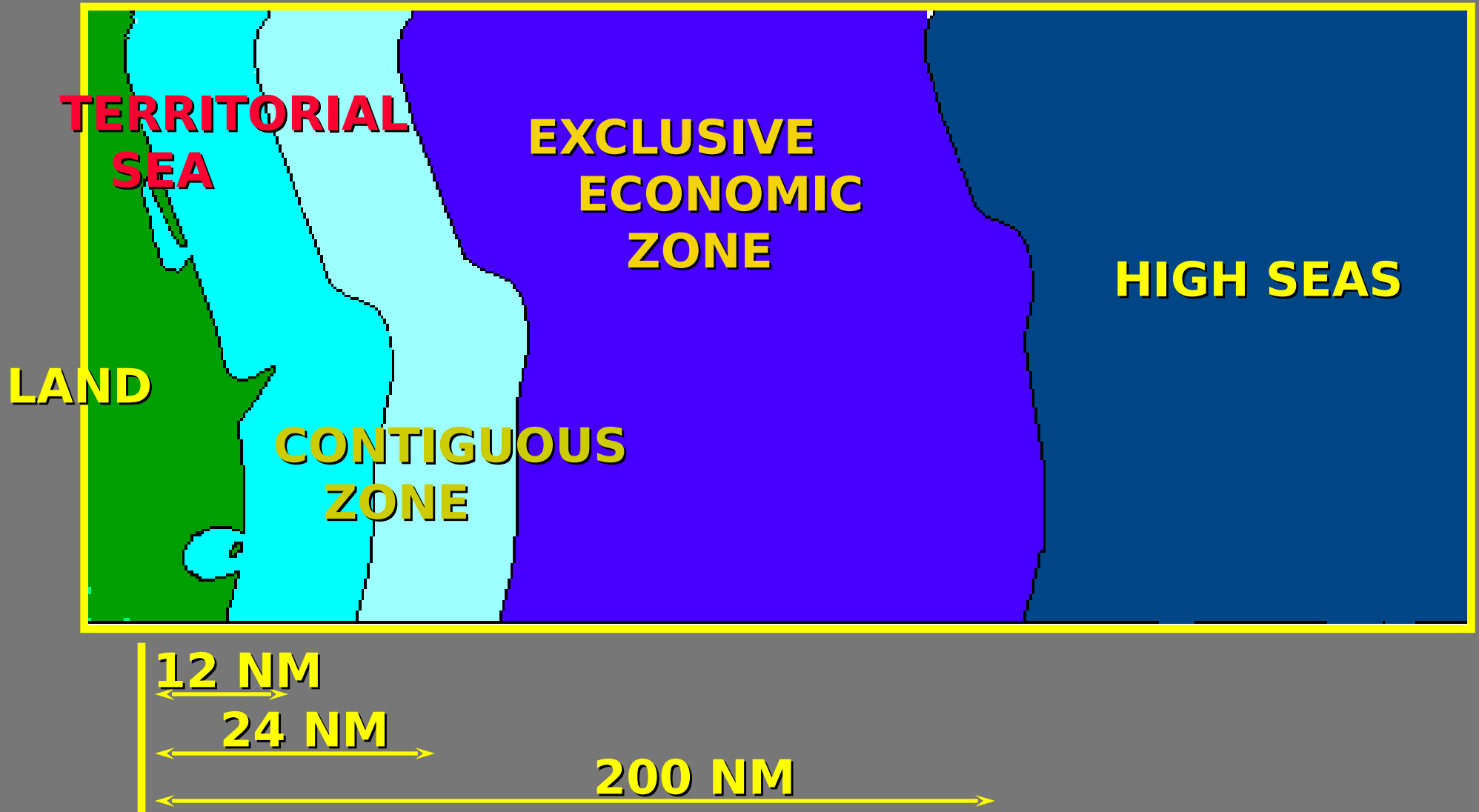
INTERNATIONAL AVIATION LAW - CURRENT ISSUES

**MR. DARRELL PHILLIPS
USAF JUDGE ADVOCATE GENERAL
SCHOOL
MAXWELL AFB, AL**

International Law of the Sea

- **Divides Sea into Maritime Zones**
 - **Territorial Sea**
 - **Contiguous Zone**
 - **EEZ**
 - **High Seas**
 - **Straits and Archipelagic Sea Lanes**

MARITIME ZONES



Territorial Sea

- Up to 12 nm from Baseline (low tide mark)
- Sovereign exercises complete sovereignty over its territorial sea, just as it would over its landmass
- However, there are important “passage” exceptions to the exercise of this sovereignty

Contiguous Zone

- 24 nm from same baseline used to establish territorial sea
- Coastal State has limited control to enforce its customs, fiscal, immigration and sanitary laws
- Ships and aircraft do not need to obtain permission to transit or overfly

Exclusive Economic Zone

- **Out to 200 nm from the same baseline used to establish the territorial sea**
- **Coastal State has sovereign rights to explore, exploit, conserve, and manage living and non-living natural resources on and above the seabed**
- **Ships and aircraft do not need permission to transit or overfly**

Exceptions to Territorial Sea Sovereignty

- **Right of Innocent Passage**
- **Right of International
Straits Passage**
- **Right of Archipelagic Sea
Lanes Passage**

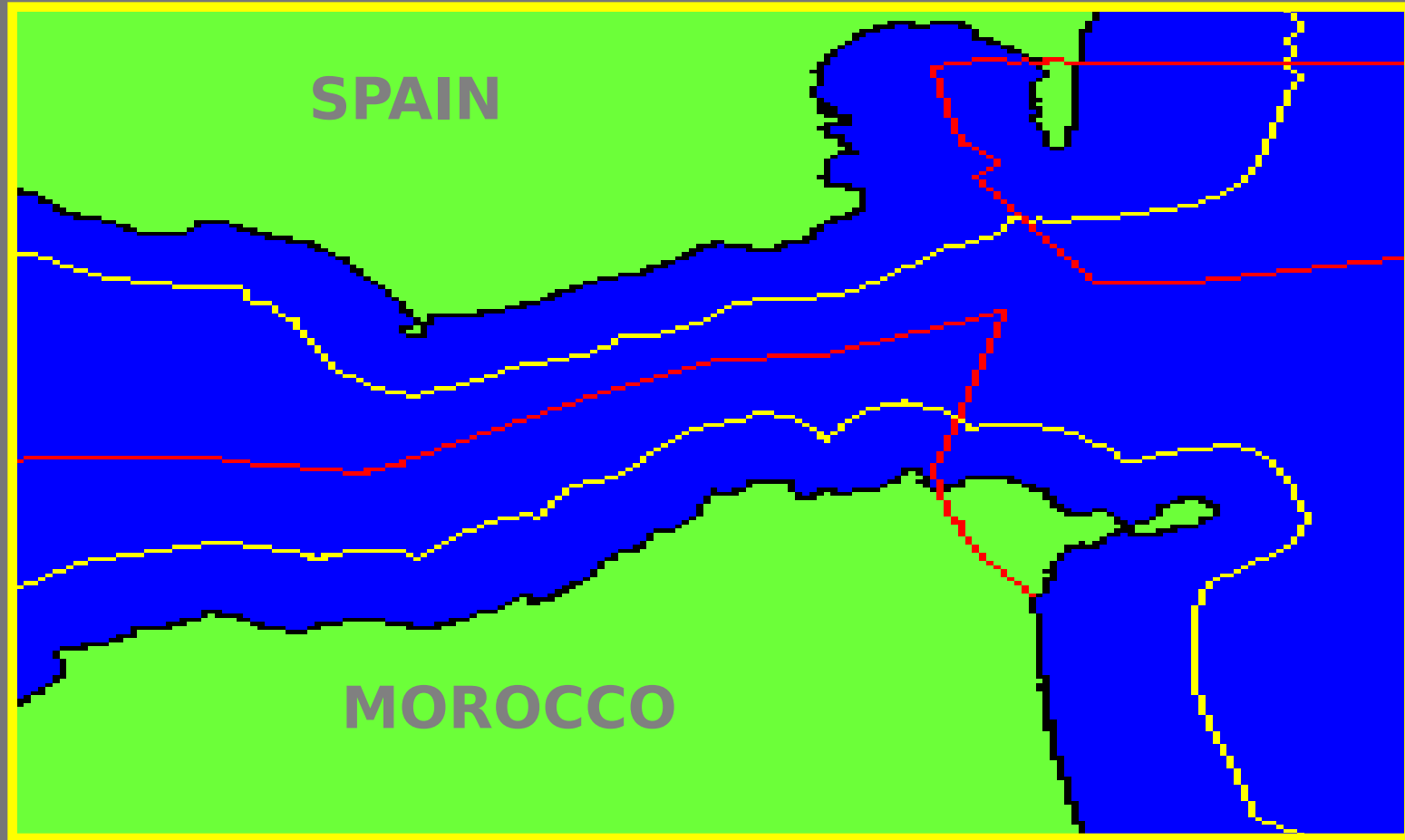
Right of Innocent Passage

- All ships (but not aircraft) enjoy the right (but submarines must navigate on the surface and show their flag)
- Defined as passage that is not prejudicial to the peace, good order, or security of the coastal State
- All-inclusive list of prejudicial activities found in Article 19 of LOS Convention

International Straits Passage

- Applies to straits connecting one part of the high seas or EEZ and another part of the high seas or EEZ
- Defined as the exercise of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait in normal mode of operation (e.g., subs may stay submerged, aircraft may be in combat formation)
- Cannot be impeded or suspended for any reason

INTERNATIONAL STRAITS PASSAGE

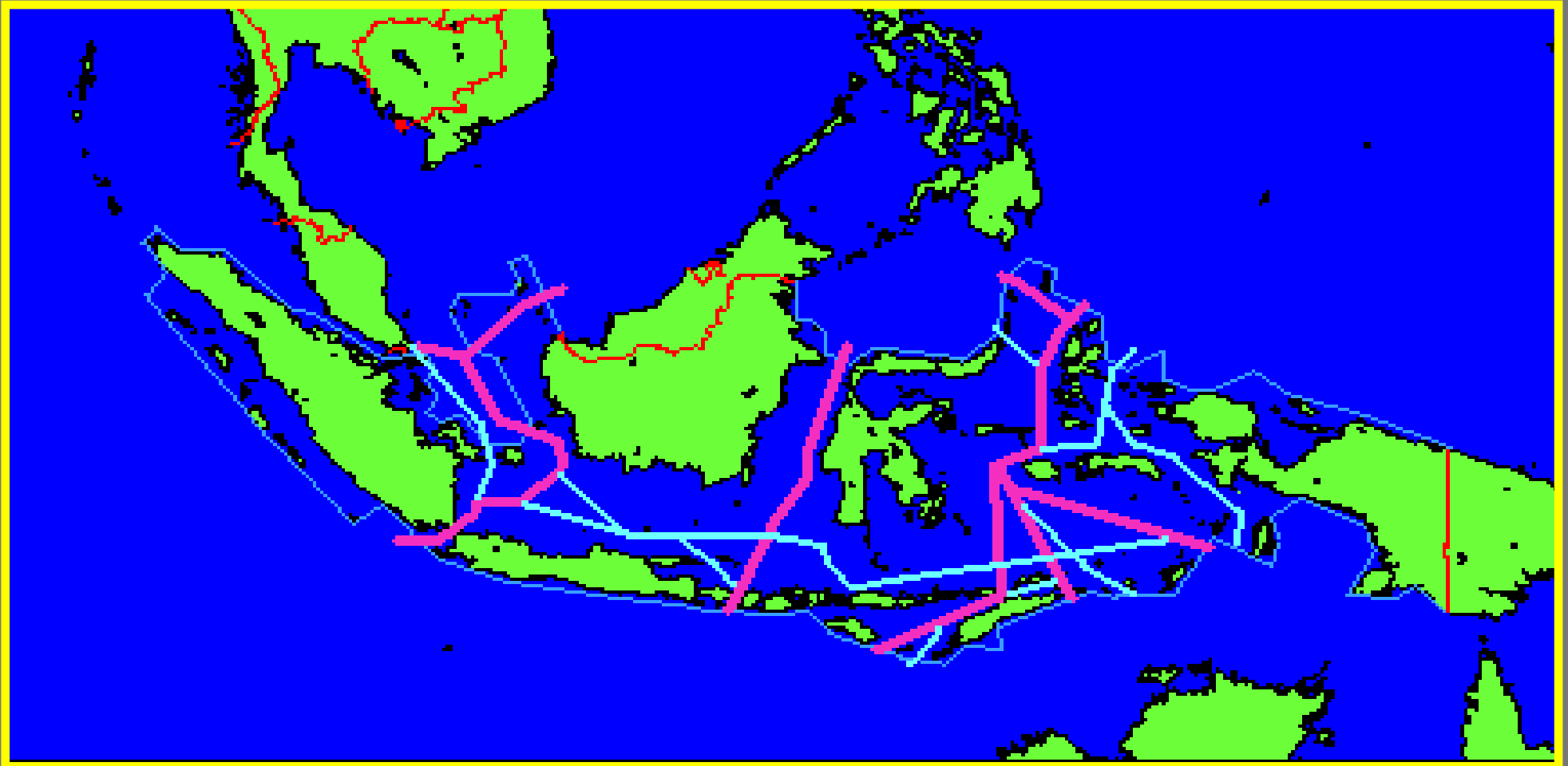


STRAITS OF GIBRALTAR

Archipelagic Sea Lanes Passage

- **Through the territory of an archipelagic State**
- **The exercise of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious, and unobstructed transit, through archipelagic waters and the adjacent territorial seas, to pass from one part of the high seas or EEZ to another part of the high seas or EEZ**
- **Cannot be impeded or suspended for any reason**

STRAITS PASSAGE AND ARCHIPELAGIC SEA LANES



LANDING RIGHTS AND OVERFLIGHT CHARGES

- Fees & Charges For Flight Facilities & Services and Overflights Charged By Host Government
- Secretary of State Says U.S. Doesn't Pay
- Is There An Agreement?
 - Yes = Follow Agreement
 - No = Apply U.S. Policy



INSPECTING & SPRAYING

- **Law Of The Sea - Sovereignty Of A State Vessel**
 - Contractor's Aircraft are NOT State Vessels
- **Host Can Inspect Off-loaded Cargo But Not On Board**
- **Our Control Stops At Skin Of Aircraft!**





**Questions?
Comments?**